IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION No. 10827 of 2000**

Between:

Raghavendra Warer Supplier,
Suryabagh, Ward No.13,
Visakhapatnam.

**..... PETITIONER**

AND

1 Sub-Divisional Magistrate-cum-R.D.O.,
Visakhapatnam.
2 The Municipal Commissioner,
Visakhapatnam Municipal Corporation, Visakhapatnam.
3 The Collector,
Visakhapatnam, Visakhapatnam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Certiorari calling for the records of the 1st Respondent pertaining to his orders dt.16-5-2000 in M.C.28/2000 and to quash the same and to consequently direct the respondents not to interfere with his right to draw water from his water sources and to supply the same through his tanker to the needy customers such as poor people, temples, apartments dwellers, hotels, hospitals etc., and to pass such other and further orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.SAMUDRALA ANANTARAM**

**Counsel for the Respondent Nos.1 and 3: GP FOR REVENUE**

**The Court made the following:**

**ORDER:**

This writ petition is filed seeking to quash the orders dated 16.05.2000 in M.C.No.28 of 2000 passed by the 1st respondent.

It is the case of the petitioner that he being owner of a water tanker lorry, used to supply his bore well water to the residential apartments, hotels, hospitals etc. where shortage of water arises. He was doing the said business since long time with meager margin of profits. Whiled so, the 1st respondent issued an order dated 22.04.2000 directing him to stop drawing of water from his bore well and for which he gave detailed explanation. Without considering his explanation, the 1st respondent passed the impugned order by invoking the provisions under Section 7(1) of A.P. Ground Water Act, 1996 and under Section 133(1) Cr.P.C. The petitioner preferred an appeal against impugned order before the 3rd respondent-District Collector on 20.05.2000 along with an interlocutory application, seeking stay of the impugned order, but the 3rd respondent did not pass any orders even on his interlocutory application. Therefore, the petitioner is constrained to approach this Court by filing this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

In view of the enactment of A.P. Water, Land and Trees Act, 2002, the order passed by the 1st respondent dated 16.05.2000 in M.C.No.28 of 2000, holds no good and is accordingly set aside. However, this order does not preclude the respondents to proceed against the petitioner as per the provisions of the A.P. Water, Land and Trees Act, 2002.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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**ELIPE DHARMA RAO,J**

Dated: 14.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Sub-Divisional Magistrate-cum-

Revenue Divisional Officer,

Visakhapatnam

2. The Municipal Commissioner,

Visakhapatnam Municipal Corporation,

Visakhapatnam

3. The Collector,

Visakhapatnam District,

Visakhapatnam

4. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies